

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1-4 and 6-8 are currently pending in the application and subject to examination.

I. Specification

The Office Action mailed October 29, 2007 objects to the specification. The specification has been amended as suggested by the Examiner. If any further amendment is required to overcome this objection, the Examiner is requested to contact the representative below.

II. 35 U.S.C. § 103

Claims 1-4 and 6-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,757,830 to Tarbotten et al. ("Tarbotten") in view of U.S. Pub. No. 2004/0054498 to Shipp ("Shipp"). The Applicant hereby traverses the rejection as follows.

A. Claims 1-4

Applicant's invention as set forth in claim 1 is directed to a method of preventing the infection of a computer network by a computer virus, where that virus can spread by e-mail traffic, the method including in the event that a new virus is detected by a provider of the anti-virus application, sending a notification of this event from the provider to the anti-virus application, **at the anti-virus application, responding to said notification by discontinuing normal handling of e-mails, wherein discontinuing normal handling of e-mails includes failing to deliver incoming e-mails or their**

attachments to their recipients within the network and causing these e-mails or attachments to be re-directed to a buffer for safe storage; subsequently generating a signature for the virus at the anti-virus application provider and providing that signature to the application at the gateway; at the gateway, after receiving the signature, using the application to scan the previously buffered e-mails or attachments for the virus, after scanning the buffered e-mails, delivering e-mails or attachments which are virus free to their recipients; and **causing the normal handling of e-mails at the e-mail gateway to be resumed**.

Although Tarbotten notes that it takes time to react to and generate counter-measures against a new virus, Tarbotten responds to this problem by delaying the delivery of e-mails at all times. The length of the delay is determined by the risk characteristics of the e-mails not based upon a notification from a provider of anti-virus application. (See column 6, lines 59-67). This delay is intended to provide an opportunity for an anti-virus server to provide updates of virus signatures to the gateway and increase the chances of identifying infected e-mails. Thus, Tarbotten teaches that e-mails are buffered at the gateway to allow virus alerts to catch up with e-mail delivery.

The invention recited in claim 1 only delays the delivery of e-mails when a new virus has been identified, i.e. at a time of high risk. Then, delivery is delayed until a virus signature is provided to ensure that no infected e-mails are delivered. The introduction of the delay is triggered by the provider of the anti-virus application sending a notification to the anti-virus notification, for example e-mail gateway, as recited in claim 1.

Shipp fails to cure the deficiency in Tarbotten. Ship teaches a method of detecting the spread of a previously unknown virus by monitoring patterns of e-mail traffic. Once a suspected virus is detected, the characteristics of infected e-mails are provided to the e-mail gateways. Thus, Shipp discloses the provision of conventional anti-virus updates rather than advance notification as provided in claim 1.

Thus, Shipp fails to cure the deficiency in Tarbotten, and all e-mails will continue to be delayed in the normal handling of e-mails. Shipp merely provides an allegedly improved virus "fingerprint."

The Office Action notes that Tarbotten does not disclose or suggest discontinuing the normal handling of e-mails when notified of a new virus and subsequently resuming the normal handling of e-mails when appropriate countermeasures have been taken, but asserts that this would have been obvious.

As Tarbotten functions by delaying all e-mail for a length of time depending on the individual characteristics of each e-mail, the Office Action's proposed modification that "wherein discontinuing normal handling of e-mails includes failing to deliver incoming e-mails or their attachments and causing these e-mails to be re-directed to a buffer for safe storage" as recited in claim 1 would improperly change the principle of operation in Tarbotten. See MPEP § 2143.01.

For at least this combination of reasons, the Applicant submits that claim 1 is allowable over the cited art. As claim 1 is allowable, the Applicant submits that claims 2-4, which depend from allowable claim 1, are therefore also allowable for at least the above noted reasons and for the additional subject matter recited therein.

B. Claims 6 and 7

The Applicant submits that Tarbotten and Shipp, whether taken alone or in combination (not admitted), do not disclose a computer system or a computer software storage medium having stored thereon an antivirus application arranged to receive a notification from the provider . . . which notification causes the application to prevent delivery of e-mails or attachments received at the gateway and to divert these e-mails to a buffer and arranged to subsequently receive a second notification from the provider which notification causes the application to cease preventing delivery of newly received e-mails, as recited in claims 6 and 7.

The inventions recited in claims 6 and 7 involve a first notification sent by the provider that diverts the flow of e-mail to a buffer and a second notification that causes the gateway to cease preventing delivery of newly received e-mails.

As discussed above, Tarbotten always delays newly received e-mails and Shipp fails to cure the deficiency in Tarbotten. Thus, for reasons similar to those discussed above, the Applicant submits that claim 1 is allowable over the cited art.

C. Claim 8

Applicant's invention as set forth in claim 8 is directed to a method of preventing the infection of a computer network by a computer virus, the method comprising in the event that a new virus is detected by the provider of the anti-virus application, calculating a checksum for the file carrying the virus or a relevant part of that file, and sending a notification containing the checksum from the provider to the anti-virus application, and at the anti-virus application, using the checksum to screen e-mails

and/or their attachments for the virus until such time as a signature for the virus is received by the e-mail gateway from the application provider.

Tarbotten teaches an e-mail message including a header portion including a checksum value for the e-mail message as a whole as a countermeasure against attempts to falsely insert data indicating that a minimum delay period has already been applied to the message.

Tarbotten does not disclose or suggest using a checksum to screen e-mails for a virus, as recited in claim 8. Additionally, Tarbotten does not teach a checksum provided by the anti-virus application provider as part of a new virus notification, as recited in claim 8. Furthermore, Tarbotten does not disclose or suggest replacing the use of the checksum from the anti-virus application provider until such time as a signature for the virus is received.

As discussed above, Shipp fails to cure the deficiency in Tarbotten.

For at least this combination of reasons, the Applicant submits that claim 8 is allowable over the cited art.

CONCLUSION

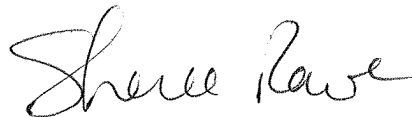
For all of the above reasons, it is respectfully submitted that the claims now pending patentability distinguish the present invention from the cited references. Accordingly, reconsideration and withdrawal of the outstanding rejections and an issuance of a Notice of Allowance are earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into condition for allowance, the Examiner is encouraged to telephone the undersigned representative at the number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. The fee for this extension may be charged to our Deposit Account No. 01-2300. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this communication to Deposit Account No. 01-2300 with reference to Attorney Docket No. 108347-00031.

Respectfully submitted,

Arent Fox LLP

A handwritten signature in black ink, appearing to read "Sheree Rowe", written in a cursive style.

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